

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Howard Bernstein, Yan Zhang, M. Amin Khan and Mark A. Tracy
Application No.: 10/039,285
Filed: January 3, 2002
For: MODULATED RELEASE FROM BIOCOMPATIBLE POLYMERS

Group: 1615

Examiner: Not Provided

Receipt
#3 \$

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>5/21/02</u>	<u>Wendy Morrissey</u>
Date	Signature
<u>Wendy Morrissey</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

In reply to the Notice to File Missing Parts dated January 31, 2002, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

☐ **EXECUTED DECLARATION FOR PATENT APPLICATION**

(Separate transmittal letter and postcard not required)

☐ **POWER OF ATTORNEY DOCUMENT**

☐ **GRANTED BY INVENTOR(S)**

☐ **GRANTED BY ASSIGNEE, including Statement under 37 C.F.R. 3.73(b)**

(Separate transmittal letter and postcard not required)

☐ **PRELIMINARY AMENDMENT**

(Separate transmittal letter and postcard not required)

☒ **FILING FEE - with Fee Transmittal for Patent Applications in duplicate**

Fee calculations based on:

☒ Claims as originally filed

☐ Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]

(Separate transmittal letter and postcard not required)

05/29/2002 CCHAU1 00000053 10039285

04 FC:116

400.00 DP

☒ **SURCHARGE - surcharge fee of \$130.00**

(Separate transmittal letter and postcard not required)

05/29/2002 CCHAU1

00000053 10039285

01 00:01

740.00 DP

☐ **SEQUENCE LISTING** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☐ **SUBSTITUTE DRAWINGS**

☐ Sheets of substitute drawings consisting of Figs. 1 - ☐ are enclosed

(Separate transmittal letter and postcard not required)

☒ **PETITION FOR EXTENSION OF TIME**

☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated January 31, 2002 for two months from March 31, 2002 to May 31, 2002. The appropriate fee of \$400.00 is included in the enclosed check

☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee

☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check

(Separate Petition for Extension of Time and postcard not required)

☒ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on ☐

☐ Is enclosed herewith

(Separate transmittal letter and postcard not required)

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$1,354.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Susan M. Abelleira

Susan M. Abelleira

Registration No.: 42,252

Tel.: (978) 341-0036

Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: May 21, 2002

**FEE TRANSMITTAL FOR
PATENT APPLICATIONS**

MAY 28 2002

Attorney Docket Number

1733.1003-010

Application Number

10/039,285

First Named Inventor

Howard Bernstein

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	17	- 20* =	0	x \$ 18 =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	4	- 3** =	1	x \$ 84 =	\$ 84
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
				Total of above Calculations =	\$ 824
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$
				TOTAL =	\$ 824
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$ 130
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$ 400
				Assignment Recordation Fee = (only when filed with application)	\$
				TOTAL =	\$ 1354

* Reissue claims in excess of 20 and over original patent
** Reissue independent claims over original patent

1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

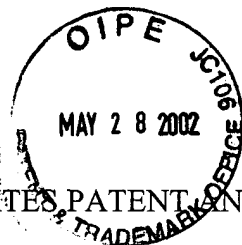
3. ☒ A check is enclosed for \$1354.00. ☐ Please charge \$[] to Deposit Account No. 08-0380.

4. ☐ Other: _____

05/29/2002 CCHAU1 00000053 10039285

04 FC:116 400.00 OP

Signature	<i>Susan M. Abelleira</i>	Date	<i>May 21, 2002</i>
Submitted by Typed or Printed Name	Susan M. Abelleira	Reg. Number	42,252



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Howard Bernstein, Yan Zhang, M. Amin Khan and Mark A. Tracy
Application No.: 10/039,285 Group: 1615
Filed: January 3, 2002 Examiner: Not Provided
For: MODULATED RELEASE FROM BIOCOMPATIBLE POLYMERS

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>5/21/02</u>	<u>Wendy Morrissey</u>
Date	Signature
<u>Wendy Morrissey</u>	
Typed or printed name of person signing certificate	

REQUEST FOR CORRECTED FILING RECEIPT
FOR UTILITY APPLICATION

Assistant Commissioner of Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

We hereby request that the following items of information be corrected in the Filing Receipt for the subject application received in this office on January 7, 2002.

The errors and corrections appear below.

Applicant(s): Mark A. Tracy, **Arlington**, MA

Enclosed are copies of the Filing Receipt with changes noted in red and a copy of the Declaration/Power of Attorney.

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By *Susan M. Abelleira*

Susan M. Abelleira

Registration No.: 42,252

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: *May 21, 2002*



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/039,285	01/03/2002	Howard Bernstein	1733.1003-010

CONFIRMATION NO. 1211

021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

FORMALITIES LETTER



OC000000007401169

Date Mailed: 01/31/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$84.
 - \$84 for 1 independent claims over 3 .
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 954.**

*A copy of this notice **MUST** be returned with the reply.*

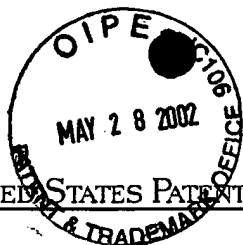
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/29/2002 CCHAU1 00000053 10039285

01 FC:101	740.00 OP
02 FC:102	84.00 OP
03 FC:105	130.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/039,285	01/03/2002	1615	0.00	1733.1003-010	14	17	4

CONFIRMATION NO. 1211

021005

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

FILING RECEIPT



OC000000007401168

Date Mailed: 01/31/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Howard Bernstein, Cambridge, MA;
Yan Zhang, Belmont, CA;
M. Amin Khan, Carmel, IN;
Mark A. Tracy, Arlington, MA;

Arlington, MA

Assignment For Published Patent Application

Alkermes Controlled Therapeutics, Inc., Cambridge, MA;

Domestic Priority data as claimed by applicant

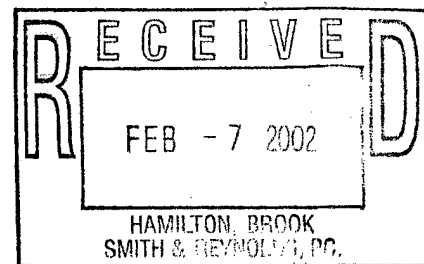
THIS APPLICATION IS A CON OF 09/274,613 03/23/1999
WHICH IS A CON OF 09/056,566 04/07/1998 PAT 5,912,015
WHICH IS A CON OF 08/727,531 10/22/1996 ABN
WHICH IS A 371 OF PCT/US95/05511 05/03/1995
WHICH IS A CIP OF 08/237,057 05/03/1994 PAT 5,656,297
WHICH IS A CIP OF 07/849,754 03/12/1992 ABN

Foreign Applications

If Required, Foreign Filing License Granted 01/31/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No



Early Publication Request: No

Title

Modulated release from biocompatible polymers

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time; if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).